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|-------------------------------|-----------------|--------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/476,674 | AARNIO, ARI | |
| | Examiner | Art Unit | |
| | Tim Brown | 1648 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to (1) After Final Amendment mailed 6/7/04; and (2) Telephonic Interview of 9/27/04.
2. ☒ The allowed claim(s) is/are 24.
3. ☒ The drawings filed on 30 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|


 Jeffrey A. Smith
 Primary Examiner

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Teodor J. Holmberg on September 27, 2004.

In claim 24, line 8, delete --- mobile terminal --- and insert therefore "cellular telephone" such that line 8 reads "information comprises at least one of the capabilities of said cellular telephone".

In the title, delete --- system and --- such that the title reads "Online Subscription Method".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claim 24 is drawn to a method of providing a "book of the month" subscription service to a cellular telephone user comprising:

subscribing to the subscription service through a subscription server over the Internet, wherein said subscribing involves transmitting, and storing, user-specific information that comprises the capabilities of the user's cellular telephone;

transmitting to the cellular telephone at predetermined intervals, offers to download digitally formatted electronic text, wherein each offer is transmitted with at least a portion of the digitally formatted text, wherein the user can access a preview portion of the digitally formatted electronic text, and wherein the offer to download

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the digitally formatted electronic text is sent to the user if said text corresponds to the stored user-specific information;

transmitting from the cellular telephone a response indicating whether the user wishes to accept the offer to download the digitally formatted electronic text; and

if the transmitted at least a portion of the digitally formatted electronic text does not comprise the entire digitally formatted electronic text and the user indicates a desire to purchase the digitally formatted electronic step, transmitting the remaining portion of the digitally formatted electronic text; or

if the transmitted at least a portion of the digitally formatted electronic text does not comprise the entire digitally formatted electronic text and the user indicates a desire to purchase the digitally formatted electronic text, transmitting a decoding message to the cellular telephone, wherein said decoding message is for unlocking a gateway lock which prevents the user from accessing more than the preview portion of the entire digitally formatted electronic text.

The prior art of record does not teach or fairly suggest Applicant's transmitting step which recites "wherein each offer is transmitted with at least a portion of the digitally formatted electronic text being offered, wherein the user can access a preview portion of the at least a portion of the digitally formatted electronic text using the cellular telephone, and wherein the offer to download the digitally formatted text is sent to the user if the digitally formatted text corresponds to the user-specific information stored at the subscription server."

Eller et al. (U.S. Pat. No. 5,889,860) comes closest to teaching this limitation. Eller et al. disclose an encryption system for controlled distribution of music scores.

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According to Eller et al., a user receives a partially encrypted music score which allows the user to sample the non-encrypted portion of the score. If the user purchases the score, the encryption system transmits to the user a password which functions as a decryption key thereby allowing the user to access the entire music score.

Unlike the Applicant's transmitting step, Eller et al. transmits the partially encrypted music score in response to a request by the user (see Fig. 4, char. 74). That is, Eller et al.'s user must make a music selection and affirmatively communicate his request to the subscription server. With the invention, the offer to download a digitally formatted product is transmitted "at predetermined intervals and without user action." Thus, neither Eller et al. nor the prior art of record teach or fairly suggest the Applicant's transmitting step.

It is also important to note that the prior art does not teach or fairly suggest providing a subscription service using a cellular telephone, or a cellular telephone network. Claim 24 was rejected as being unpatentable over Lambert in view of Foladare, Eller, Rothblatt, Rakavy and AT&T (see Final Rejection, pp. 34-40). With the exception of AT&T, none of these references disclosed or suggested using a cellular telephone, or cellular telephone network. Moreover, AT&T is drawn to sending text documents to a cellular telephone. Thus, there is no suggestion to combine AT&T with the other disparate references, references which relate to *music* subscription services that involve *satellite-* or *Internet-*based communication. Thus, none of the references of records teach or fairly suggest providing a subscription service using a cellular telephone, or a cellular telephone network.

Conclusion

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Any comments considered necessary by applicant must be submitted ***no later than the payment of the issue fee*** and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tim Brown
Examiner
Art Unit 1648

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